

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA**

UNITED STATES OF AMERICA,

Plaintiff,

VS.

MICHAEL WORKMAN,

Defendant.

8:09CR301

ORDER

This matter is before the court on the defendant's unopposed motion to continue trial (Doc. 15) due to defense counsel's medical condition. For good cause shown, trial will be continued to December 1, 2009.

IT IS ORDERED that the motion is granted, as follows:

1. The jury trial now set for September 29, 2009 is continued to **December 1, 2009.**

2. In accordance with [18 U.S.C. § 3161\(h\)\(8\)\(A\)](#), the court finds that the ends of justice will be served by granting this continuance and outweigh the interests of the public and the defendant in a speedy trial. Any additional time arising as a result of the granting of this motion, that is, the time between **September 29, 2009 and December 1, 2009**, shall be deemed excludable time in any computation of time under the requirement of the Speedy Trial Act. Due to defense counsel's medical condition, failure to grant a continuance would be likely to make a continuation of this proceeding impossible, or result in a miscarriage of justice. 18 U.S.C. § 3161(h)(8)(A) & (B)(i).

DATED September 16, 2009.

BY THE COURT:

s/ F.A. Gossett
United States Magistrate Judge